

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1849

Introduced by Assembly Member Gipson

February 9, 2016

An act to amend Sections 391 and 16501.1 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1849, as amended, Gipson. Foster youth: transition to independent living: health insurance coverage.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law extends certain foster care benefits to youth up to 21 years of age, known as nonminor dependents, if specified conditions are met.

Existing law requires a county social worker to develop a case plan for a minor or nonminor dependent that includes, among other things, when appropriate, for a child who is 16 years of age or older and for a nonminor dependent, a transitional independent living plan. During the 90-day period prior to the participant attaining 18 years of age or older, existing law requires a case worker or appropriate agency staff or probation officer and other representatives of the participant, as appropriate, to provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan that is

personalized at the direction of the child, and requires the plan to include, among other things, options regarding health insurance.

This bill would require, for purposes of the 90-day transition plan, information provided regarding health insurance options to include verification that the *eligible* youth or nonminor is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that the *eligible* youth or nonminor is transitioned into the Medi-Cal program upon case closure, as specified.

Existing law prohibits the court from terminating dependency jurisdiction over a nonminor who has attained 18 years of age until a hearing is conducted and the county welfare department has submitted a report verifying that specified information, documents, and services have been provided to the nonminor, including the written 90-day transition plan, assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance, and a letter prepared by the county welfare department that includes specified information.

The bill would revise the list of information, services, and documents that are required to be provided to the nonminor to include, among other things, a Medi-Cal Benefits Identification Card and continued and uninterrupted enrollment in Medi-Cal for eligible nonminors up to 26 years of age pursuant to specified provisions of law.

By expanding the duties of counties relating to the transition of foster youth from foster care to independent living, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 391 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 391. (a) The dependency court shall not terminate jurisdiction
- 4 over a nonminor unless a hearing is conducted pursuant to this
- 5 section.

1 (b) At any hearing for a nonminor at which the court is
2 considering termination of the jurisdiction of the juvenile court,
3 the county welfare department shall do all of the following:

4 (1) Ensure that the dependent nonminor is present in court,
5 unless the nonminor does not wish to appear in court, and elects
6 a telephonic appearance, or document reasonable efforts made by
7 the county welfare department to locate the nonminor when the
8 nonminor is not available.

9 (2) Submit a report describing whether it is in the nonminor's
10 best interests to remain under the court's dependency jurisdiction,
11 which includes a recommended transitional independent living
12 case plan for the nonminor when the report describes continuing
13 dependency jurisdiction as being in the nonminor's best interest.

14 (3) If the county welfare department recommends termination
15 of the court's dependency jurisdiction, submit documentation of
16 the reasonable efforts made by the department to provide the
17 nonminor with the assistance needed to meet or maintain eligibility
18 as a nonminor dependent, as defined in paragraphs (1) to (5),
19 inclusive, of subdivision (b) of Section 11403.

20 (4) If the nonminor has indicated that he or she does not want
21 dependency jurisdiction to continue, the report shall address the
22 manner in which the nonminor was advised of his or her options,
23 including the benefits of remaining in foster care, and of his or her
24 right to reenter foster care and to file a petition pursuant to
25 subdivision (e) of Section 388 to resume dependency jurisdiction
26 prior to attaining 21 years of age.

27 (c) (1) The court shall continue dependency jurisdiction over
28 a nonminor who meets the definition of a nonminor dependent as
29 described in subdivision (v) of Section 11400 unless the court finds
30 either of the following:

31 (A) That the nonminor does not wish to remain subject to
32 dependency jurisdiction.

33 (B) That the nonminor is not participating in a reasonable and
34 appropriate transitional independent living case plan.

35 (2) In making the findings pursuant to paragraph (1), the court
36 shall also find that the nonminor has been informed of his or her
37 options including the benefits of remaining in foster care and the
38 right to reenter foster care by filing a petition pursuant to
39 subdivision (e) of Section 388 to resume dependency jurisdiction
40 and by completing a voluntary reentry agreement pursuant to

subdivision (z) of Section 11400, and has had an opportunity to confer with his or her counsel if counsel has been appointed pursuant to Section 317.

(d) (1) The court may terminate its jurisdiction over a nonminor if the court finds after reasonable and documented efforts the nonminor cannot be located.

(2) When terminating dependency jurisdiction, the court shall maintain general jurisdiction over the nonminor to allow for the filing of a petition to resume dependency jurisdiction under subdivision (e) of Section 388 until the nonminor attains 21 years of age, although no review proceedings shall be required. A nonminor may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction at any time before attaining 21 years of age.

(e) The court shall not terminate dependency jurisdiction over a nonminor who has attained 18 years of age until a hearing is conducted pursuant to this section and the department has submitted a report verifying that the following information, documents, and services have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:

(1) Written information concerning the nonminor's case, including any known information regarding the nonminor's Indian heritage or tribal connections, if applicable, his or her family history and placement history, any photographs of the nonminor or his or her family in the possession of the county welfare department, other than forensic photographs, the whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of the sibling, directions on how to access the documents the nonminor is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.

(2) The following documents:

(A) Social security card.

(B) Certified copy of his or her birth certificate.

(C) Health and education summary, as described in subdivision (a) of Section 16010.

1 (D) Driver's license, as described in Section 12500 of the
2 Vehicle Code, or identification card, as described in Section 13000
3 of the Vehicle Code.

4 (E) A letter prepared by the county welfare department that
5 includes the following information:

6 (i) The nonminor's name and date of birth.

7 (ii) The dates during which the nonminor was within the
8 jurisdiction of the juvenile court.

9 (iii) A statement that the nonminor was a foster youth in
10 compliance with state and federal financial aid documentation
11 requirements.

12 (F) If applicable, the death certificate of the parent or parents.

13 (G) If applicable, proof of the nonminor's citizenship or legal
14 residence.

15 (H) An advance health care directive form.

16 (I) The Judicial Council form that the nonminor would use to
17 file a petition pursuant to subdivision (e) of Section 388 to resume
18 dependency jurisdiction.

19 (J) The written 90-day transition plan prepared pursuant to
20 Section 16501.1.

21 (K) Written verification that the *eligible* nonminor is enrolled
22 in Medi-Cal and the nonminor's Medi-Cal Benefits Identification
23 Card.

24 (3) Continued and uninterrupted enrollment in Medi-Cal *for*
25 *eligible nonminors* pursuant to Section 14005.28 or 14005.285.

26 (4) Referrals to transitional housing, if available, or assistance
27 in securing other housing.

28 (5) Assistance in obtaining employment or other financial
29 support.

30 (6) Assistance in applying for admission to college or to a
31 vocational training program or other educational institution and
32 in obtaining financial aid, where appropriate.

33 (7) Assistance in maintaining relationships with individuals
34 who are important to a nonminor who has been in out-of-home
35 placement for six months or longer from the date the nonminor
36 entered foster care, based on the nonminor's best interests.

37 (8) For nonminors between 18 and 21 years of age, assistance
38 in accessing the Independent Living Aftercare Program in the
39 nonminor's county of residence, and, upon the nonminor's request,
40 assistance in completing a voluntary reentry agreement for care

1 and placement pursuant to subdivision (z) of Section 11400 and
2 in filing a petition pursuant to subdivision (e) of Section 388 to
3 resume dependency jurisdiction.

4 (9) Written information notifying the child that current or former
5 dependent children who are or have been in foster care are granted
6 a preference for student assistant or internship positions with state
7 agencies pursuant to Section 18220 of the Government Code. The
8 preference shall be granted to applicants up to 26 years of age.

9 (f) At the hearing closest to and before a dependent minor's
10 18th birthday and every review hearing thereafter for nonminors,
11 the department shall submit a report describing efforts toward
12 completing the items described in paragraph (2) of subdivision
13 (e).

14 (g) The Judicial Council shall develop and implement standards,
15 and develop and adopt appropriate forms necessary to implement
16 this provision.

17 SEC. 2. Section 16501.1 of the Welfare and Institutions Code
18 is amended to read:

19 16501.1. (a) (1) The Legislature finds and declares that the
20 foundation and central unifying tool in child welfare services is
21 the case plan.

22 (2) The Legislature further finds and declares that a case plan
23 ensures that the child receives protection and safe and proper care
24 and case management, and that services are provided to the child
25 and parents or other caretakers, as appropriate, in order to improve
26 conditions in the parent's home, to facilitate the safe return of the
27 child to a safe home or the permanent placement of the child, and
28 to address the needs of the child while in foster care.

29 (3) The agency shall consider the recommendations of the child
30 and family team, as defined in Section 16501, if any are available.
31 The agency shall document the rationale for any inconsistencies
32 between the case plan and the child and family team
33 recommendations.

34 (b) (1) A case plan shall be based upon the principles of this
35 section and the input from the child and family team.

36 (2) The case plan shall document that a preplacement assessment
37 of the service needs of the child and family, and preplacement
38 preventive services, have been provided, and that reasonable efforts
39 to prevent out-of-home placement have been made. Preplacement
40 services may include intensive mental health services in the home

1 or a community setting and the reasonable efforts made to prevent
2 out-of-home placement.

3 (3) In determining the reasonable services to be offered or
4 provided, the child's health and safety shall be the paramount
5 concerns.

6 (4) Upon a determination pursuant to paragraph (1) of
7 subdivision (e) of Section 361.5 that reasonable services will be
8 offered to a parent who is incarcerated in a county jail or state
9 prison, detained by the United States Department of Homeland
10 Security, or deported to his or her country of origin, the case plan
11 shall include information, to the extent possible, about a parent's
12 incarceration in a county jail or the state prison, detention by the
13 United States Department of Homeland Security, or deportation
14 during the time that a minor child of that parent is involved in
15 dependency care.

16 (5) Reasonable services shall be offered or provided to make it
17 possible for a child to return to a safe home environment, unless,
18 pursuant to subdivisions (b) and (e) of Section 361.5, the court
19 determines that reunification services shall not be provided.

20 (6) If reasonable services are not ordered, or are terminated,
21 reasonable efforts shall be made to place the child in a timely
22 manner in accordance with the permanent plan and to complete
23 all steps necessary to finalize the permanent placement of the child.

24 (c) If out-of-home placement is used to attain case plan goals,
25 the case plan shall consider the recommendations of the child and
26 family team.

27 (d) (1) The case plan shall include a description of the type of
28 home or institution in which the child is to be placed, and the
29 reasons for that placement decision. The decision regarding choice
30 of placement shall be based upon selection of a safe setting that is
31 the least restrictive family setting that promotes normal childhood
32 experiences and the most appropriate setting that meets the child's
33 individual needs and is available, in proximity to the parent's home,
34 in proximity to the child's school, and consistent with the selection
35 of the environment best suited to meet the child's special needs
36 and best interests. The selection shall consider, in order of priority,
37 placement with relatives, nonrelated extended family members,
38 and tribal members; foster family homes, resource families, and
39 nontreatment certified homes of foster family agencies; followed
40 by treatment and intensive treatment certified homes of foster

1 family agencies; or multidimensional treatment foster care homes
2 or therapeutic foster care homes; group care placements in the
3 order of short-term residential treatment centers, group homes,
4 community treatment facilities, and out-of-state residential
5 treatment pursuant to Part 5 (commencing with Section 7900) of
6 Division 12 of the Family Code.

7 (2) If a short-term intensive treatment center placement is
8 selected for a child, the case plan shall indicate the needs of the
9 child that necessitate this placement, the plan for transitioning the
10 child to a less restrictive environment, and the projected timeline
11 by which the child will be transitioned to a less restrictive
12 environment. This section of the case plan shall be reviewed and
13 updated at least semiannually.

14 (A) The case plan for placements in a group home, or
15 commencing January 1, 2017, in a short-term residential treatment
16 center, shall indicate that the county has taken into consideration
17 Section 16010.8.

18 (B) After January 1, 2017, a child and family team meeting as
19 defined in Section 16501 shall be convened by the county placing
20 agency for the purpose of identifying the supports and services
21 needed to achieve permanency and enable the child or youth to be
22 placed in the least restrictive family setting that promotes normal
23 childhood experiences.

24 (3) On or after January 1, 2012, for a nonminor dependent, as
25 defined in subdivision (v) of Section 11400, who is receiving
26 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
27 in addition to the above requirements, the selection of the
28 placement, including a supervised independent living placement,
29 as described in subdivision (w) of Section 11400, shall also be
30 based upon the developmental needs of young adults by providing
31 opportunities to have incremental responsibilities that prepare a
32 nonminor dependent to transition to successful adulthood. If
33 admission to, or continuation in, a group home or short-term
34 residential treatment center placement is being considered for a
35 nonminor dependent, the group home or short-term residential
36 treatment center placement approval decision shall include a
37 youth-driven, team-based case planning process, as defined by the
38 department, in consultation with stakeholders. The case plan shall
39 consider the full range of placement options, and shall specify why
40 admission to, or continuation in, a group home placement is the

1 best alternative available at the time to meet the special needs or
2 well-being of the nonminor dependent, and how the placement
3 will contribute to the nonminor dependent's transition to successful
4 adulthood. The case plan shall specify the treatment strategies that
5 will be used to prepare the nonminor dependent for discharge to
6 a less restrictive family setting that promotes normal childhood
7 experiences, including a target date for discharge from the group
8 home placement. The placement shall be reviewed and updated
9 on a regular, periodic basis to ensure that continuation in the group
10 home placement remains in the best interests of the nonminor
11 dependent and that progress is being made in achieving case plan
12 goals leading to successful adulthood. The group home placement
13 planning process shall begin as soon as it becomes clear to the
14 county welfare department or probation office that a foster child
15 in group home placement is likely to remain in group home
16 placement on his or her 18th birthday, in order to expedite the
17 transition to a less restrictive family setting that promotes normal
18 childhood experiences, if he or she becomes a nonminor dependent.
19 The case planning process shall include informing the youth of all
20 of his or her options, including, but not limited to, admission to
21 or continuation in a group home placement. Consideration for
22 continuation of existing group home placement for a nonminor
23 dependent under 19 years of age may include the need to stay in
24 the same placement in order to complete high school. After a
25 nonminor dependent either completes high school or attains his or
26 her 19th birthday, whichever is earlier, continuation in or admission
27 to a group home placement is prohibited unless the nonminor
28 dependent satisfies the conditions of paragraph (5) of subdivision
29 (b) of Section 11403, and group home placement functions as a
30 short-term transition to the appropriate system of care. Treatment
31 services provided by the group home placement to the nonminor
32 dependent to alleviate or ameliorate the medical condition, as
33 described in paragraph (5) of subdivision (b) of Section 11403,
34 shall not constitute the sole basis to disqualify a nonminor
35 dependent from the group home placement.

36 (4) In addition to the requirements of paragraphs (1) to (3),
37 inclusive, and taking into account other statutory considerations
38 regarding placement, the selection of the most appropriate home
39 that will meet the child's special needs and best interests shall also
40 promote educational stability by taking into consideration

1 proximity to the child's school of origin, and school attendance
2 area, the number of school transfers the child has previously
3 experienced, and the child's school matriculation schedule, in
4 addition to other indicators of educational stability that the
5 Legislature hereby encourages the State Department of Social
6 Services and the State Department of Education to develop.

7 (e) A written case plan shall be completed within a maximum
8 of 60 days of the initial removal of the child or of the in-person
9 response required under subdivision (f) of Section 16501 if the
10 child has not been removed from his or her home, or by the date
11 of the dispositional hearing pursuant to Section 358, whichever
12 occurs first. The case plan shall be updated, as the service needs
13 of the child and family dictate. At a minimum, the case plan shall
14 be updated in conjunction with each status review hearing
15 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
16 the hearing conducted pursuant to Section 366.26, but no less
17 frequently than once every six months. Each updated case plan
18 shall include a description of the services that have been provided
19 to the child under the plan and an evaluation of the appropriateness
20 and effectiveness of those services.

21 (1) It is the intent of the Legislature that extending the maximum
22 time available for preparing a written case plan from 30 to 60 days
23 will afford caseworkers time to actively engage families, and to
24 solicit and integrate into the case plan the input of the child and
25 the child's family, as well as the input of relatives and other
26 interested parties.

27 (2) The extension of the maximum time available for preparing
28 a written case plan from 30 to 60 days shall be effective 90 days
29 after the date that the department gives counties written notice that
30 necessary changes have been made to the Child Welfare
31 Services/Case Management System (CWS/CMS) to account for
32 the 60-day timeframe for preparing a written case plan.

33 (f) The child welfare services case plan shall be comprehensive
34 enough to meet the juvenile court dependency proceedings
35 requirements pursuant to Article 6 (commencing with Section 300)
36 of Chapter 2 of Part 1 of Division 2.

37 (g) The case plan shall be developed considering the
38 recommendations of the child and family team, as follows:

39 (1) The case plan shall be based upon an assessment of the
40 circumstances that required child welfare services intervention.

1 The child shall be involved in developing the case plan as age and
2 developmentally appropriate.

3 (2) The case plan shall identify specific goals and the
4 appropriateness of the planned services in meeting those goals.

5 (3) The case plan shall identify the original allegations of abuse
6 or neglect, as defined in Article 2.5 (commencing with Section
7 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
8 conditions cited as the basis for declaring the child a dependent of
9 the court pursuant to Section 300, or all of these, and the other
10 precipitating incidents that led to child welfare services
11 intervention.

12 (4) The case plan shall include a description of the schedule of
13 the placement agency contacts with the child and the family or
14 other caretakers. The frequency of these contacts shall be in
15 accordance with regulations adopted by the State Department of
16 Social Services. If the child has been placed in foster care out of
17 state, the county social worker or probation officer, or a social
18 worker or probation officer on the staff of the agency in the state
19 in which the child has been placed, shall visit the child in a foster
20 family home or the home of a relative, consistent with federal law
21 and in accordance with the department's approved state plan. For
22 children in out-of-state group home facilities, visits shall be
23 conducted at least monthly, pursuant to Section 16516.5. At least
24 once every six months, at the time of a regularly scheduled
25 placement agency contact with the foster child, the child's social
26 worker or probation officer shall inform the child of his or her
27 rights as a foster child, as specified in Section 16001.9. The social
28 worker or probation officer shall provide the information to the
29 child in a manner appropriate to the age or developmental level of
30 the child.

31 (5) (A) When out-of-home services are used, the frequency of
32 contact between the natural parents or legal guardians and the child
33 shall be specified in the case plan. The frequency of those contacts
34 shall reflect overall case goals, and consider other principles
35 outlined in this section.

36 (B) Information regarding any court-ordered visitation between
37 the child and the natural parents or legal guardians, and the terms
38 and conditions needed to facilitate the visits while protecting the
39 safety of the child, shall be provided to the child's out-of-home
40 caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) A case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in

1 the best interests of the child, assurances by the placement agency
2 and the local educational agency to provide immediate and
3 appropriate enrollment in a new school and to provide all of the
4 child's educational records to the new school.

5 (9) (A) If out-of-home services are used, or if parental rights
6 have been terminated and the case plan is placement for adoption,
7 the case plan shall include a recommendation regarding the
8 appropriateness of unsupervised visitation between the child and
9 any of the child's siblings. This recommendation shall include a
10 statement regarding the child's and the siblings' willingness to
11 participate in unsupervised visitation. If the case plan includes a
12 recommendation for unsupervised sibling visitation, the plan shall
13 also note that information necessary to accomplish this visitation
14 has been provided to the child or to the child's siblings.

15 (B) Information regarding the schedule and frequency of the
16 visits between the child and siblings, as well as any court-ordered
17 terms and conditions needed to facilitate the visits while protecting
18 the safety of the child, shall be provided to the child's out-of-home
19 caregiver as soon as possible after the court order is made.

20 (10) If out-of-home services are used and the goal is
21 reunification, the case plan shall describe the services to be
22 provided to assist in reunification and the services to be provided
23 concurrently to achieve legal permanency if efforts to reunify fail.
24 The plan shall also consider in-state and out-of-state placements,
25 the importance of developing and maintaining sibling relationships
26 pursuant to Section 16002, and the desire and willingness of the
27 caregiver to provide legal permanency for the child if reunification
28 is unsuccessful.

29 (11) If out-of-home services are used, the child has been in care
30 for at least 12 months, and the goal is not adoptive placement, the
31 case plan shall include documentation of the compelling reason
32 or reasons why termination of parental rights is not in the child's
33 best interest. A determination completed or updated within the
34 past 12 months by the department when it is acting as an adoption
35 agency or by a licensed adoption agency that it is unlikely that the
36 child will be adopted, or that one of the conditions described in
37 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
38 be deemed a compelling reason.

39 (12) (A) Parents and legal guardians shall have an opportunity
40 to review the case plan, and to sign it whenever possible, and then

1 shall receive a copy of the plan. In a voluntary service or placement
2 agreement, the parents or legal guardians shall be required to
3 review and sign the case plan. Whenever possible, parents and
4 legal guardians shall participate in the development of the case
5 plan. Commencing January 1, 2012, for nonminor dependents, as
6 defined in subdivision (v) of Section 11400, who are receiving
7 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
8 to Section 11403, the transitional independent living case plan, as
9 set forth in subdivision (y) of Section 11400, shall be developed
10 with, and signed by, the nonminor.

11 (B) Parents and legal guardians shall be advised that, pursuant
12 to Section 1228.1 of the Evidence Code, neither their signature on
13 the child welfare services case plan nor their acceptance of any
14 services prescribed in the child welfare services case plan shall
15 constitute an admission of guilt or be used as evidence against the
16 parent or legal guardian in a court of law. However, they shall also
17 be advised that the parent's or guardian's failure to cooperate,
18 except for good cause, in the provision of services specified in the
19 child welfare services case plan may be used in any hearing held
20 pursuant to Section 366.21, 366.22, or 366.25 of this code as
21 evidence.

22 (13) A child shall be given a meaningful opportunity to
23 participate in the development of the case plan and state his or her
24 preference for foster care placement. A child who is 12 years of
25 age or older and in a permanent placement shall also be given the
26 opportunity to review the case plan, sign the case plan, and receive
27 a copy of the case plan.

28 (14) The case plan shall be included in the court report and shall
29 be considered by the court at the initial hearing and each review
30 hearing. Modifications to the case plan made during the period
31 between review hearings need not be approved by the court if the
32 casework supervisor for that case determines that the modifications
33 further the goals of the plan. If out-of-home services are used with
34 the goal of family reunification, the case plan shall consider and
35 describe the application of subdivision (b) of Section 11203.

36 (15) (A) If the case plan has as its goal for the child a permanent
37 plan of adoption or legal guardianship, it shall include a statement
38 of the child's wishes regarding their permanent placement plan
39 and an assessment of those stated wishes. The agency shall also
40 include documentation of the steps the agency is taking to find an

1 adoptive family or other permanent living arrangements for the
2 child; to place the child with an adoptive family, an appropriate
3 and willing relative, or a legal guardian, and to finalize the adoption
4 or legal guardianship. At a minimum, the documentation shall
5 include child-specific recruitment efforts, such as the use of state,
6 regional, and national adoption exchanges, including electronic
7 exchange systems, when the child has been freed for adoption.
8 Regardless of whether the child has been freed for adoption,
9 documentation shall include a description of any barriers to
10 achieving legal permanence and the steps the agency will take to
11 address those barriers. If the plan is for kinship guardianship, the
12 case plan shall document how the child meets the kinship
13 guardianship eligibility requirements.

14 (B) When the child is 16 years of age or older and is in another
15 planned permanent living arrangement, the case plan shall identify
16 the intensive and ongoing efforts to return the child to the home
17 of the parent, place the child for adoption, place the child for tribal
18 customary adoption in the case of an Indian child, establish a legal
19 guardianship, or place the child nonminor dependent with a fit and
20 willing relative, as appropriate. Efforts shall include the use of
21 technology, including social media, to find biological family
22 members of the child.

23 (16) (A) (i) For a child who is 14 or 15 years of age, the case
24 plan shall include a written description of the programs and services
25 that will help the child, consistent with the child's best interests,
26 to prepare for the transition from foster care to successful
27 adulthood. The description may be included in the document
28 described in subparagraph (A) of paragraph (18).

29 (ii) When appropriate, for a child who is 16 years of age or older
30 and, commencing January 1, 2012, for a nonminor dependent, the
31 case plan shall include the transitional independent living plan
32 (TILP), a written description of the programs and services that
33 will help the child, consistent with the child's best interests, to
34 prepare for the transition from foster care to successful adulthood,
35 and, in addition, whether the youth has an in-progress application
36 pending for Title XVI Supplemental Security Income benefits or
37 for Special Immigrant Juvenile Status or other applicable
38 application for legal residency and an active dependency case is
39 required for that application. When appropriate, for a nonminor
40 dependent, the transitional independent living case plan, as

1 described in subdivision (v) of Section 11400, shall include the
2 TILP, a written description of the programs and services that will
3 help the nonminor dependent, consistent with his or her best
4 interests, to prepare for transition from foster care and assist the
5 youth in meeting the eligibility criteria set forth in paragraphs (1)
6 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
7 the case plan shall describe the individualized supervision provided
8 in the supervised independent living placement as defined in
9 subdivision (w) of Section 11400. The case plan shall be developed
10 with the child or nonminor dependent and individuals identified
11 as important to the child or nonminor dependent, and shall include
12 steps the agency is taking to ensure that the child or nonminor
13 dependent achieves permanence, including maintaining or
14 obtaining permanent connections to caring and committed adults.

15 (B) During the 90-day period prior to the participant attaining
16 18 years of age or older as the state may elect under Section
17 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
18 675(8)(B)(iii)), whether during that period foster care maintenance
19 payments are being made on the child's behalf or the child is
20 receiving benefits or services under Section 477 of the federal
21 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
22 appropriate agency staff or probation officer and other
23 representatives of the participant, as appropriate, shall provide the
24 youth or nonminor dependent with assistance and support in
25 developing the written 90-day transition plan, that is personalized
26 at the direction of the child, information as detailed as the
27 participant elects that shall include, but not be limited to, options
28 regarding housing, health insurance, education, local opportunities
29 for mentors and continuing support services, and workforce
30 supports and employment services, a power of attorney for health
31 care, and information regarding the advance health care directive
32 form. Information provided regarding health insurance options
33 shall include verification that the *eligible* youth or nonminor is
34 enrolled in Medi-Cal and a description of the steps that have been
35 or will be taken by the youth's social worker or probation officer
36 to ensure that the *eligible* youth or nonminor is transitioned into
37 the Medi-Cal program for former foster youth upon case closure
38 with no interruption in coverage and ~~without a~~ *with no* new
39 application being required, as provided in Section 14005.28.

1 (C) For youth 14 years of age or older, the case plan shall
2 include documentation that a consumer credit report was requested
3 annually from each of the three major credit reporting agencies at
4 no charge to the youth and that any results were provided to the
5 youth. For nonminor dependents, the case plan shall include
6 documentation that the county assisted the nonminor dependent
7 in obtaining his or her reports. The case plan shall include
8 documentation of barriers, if any, to obtaining the credit reports.
9 If the consumer credit report reveals any accounts, the case plan
10 shall detail how the county ensured the youth received assistance
11 with interpreting the credit report and resolving any inaccuracies,
12 including any referrals made for the assistance.

13 (17) For youth 14 years of age or older and nonminor
14 dependents, the case plan shall be developed in consultation with
15 the youth. At the youth's option, the consultation may include up
16 to two members of the case planning team who are chosen by the
17 youth and who are not foster parents of, or caseworkers for, the
18 youth. The agency, at any time, may reject an individual selected
19 by the youth to be a member of the case planning team if the
20 agency has good cause to believe that the individual would not act
21 in the youth's best interest. One individual selected by the youth
22 to be a member of the case planning team may be designated to
23 be the youth's adviser and advocate with respect to the application
24 of the reasonable and prudent parent standard to the youth, as
25 necessary.

26 (18) For youth in foster care 14 years of age and older and
27 nonminor dependents, the case plan shall include both of the
28 following:

29 (A) A document that describes the youth's rights with respect
30 to education, health, visitation, and court participation, the right
31 to be annually provided with copies of his or her credit reports at
32 no cost while in foster care pursuant to Section 10618.6, and the
33 right to stay safe and avoid exploitation.

34 (B) A signed acknowledgment by the youth that he or she has
35 been provided a copy of the document and that the rights described
36 in the document have been explained to the youth in an
37 age-appropriate manner.

38 (19) The case plan for a child or nonminor dependent who is,
39 or who is at risk of becoming, the victim of commercial sexual

1 exploitation, shall document the services provided to address that
2 issue.

3 (h) If the court finds, after considering the case plan, that
4 unsupervised sibling visitation is appropriate and has been
5 consented to, the court shall order that the child or the child's
6 siblings, the child's current caregiver, and the child's prospective
7 adoptive parents, if applicable, be provided with information
8 necessary to accomplish this visitation. This section does not
9 require or prohibit the social worker's facilitation, transportation,
10 or supervision of visits between the child and his or her siblings.

11 (i) The case plan documentation on sibling placements required
12 under this section shall not require modification of existing case
13 plan forms until the Child Welfare Service/Case Management
14 System (CWS/CMS) is implemented on a statewide basis.

15 (j) When a child is 10 years of age or older and has been in
16 out-of-home placement for six months or longer, the case plan
17 shall include an identification of individuals, other than the child's
18 siblings, who are important to the child and actions necessary to
19 maintain the child's relationship with those individuals, provided
20 that those relationships are in the best interest of the child. The
21 social worker or probation officer shall ask every child who is 10
22 years of age or older and who has been in out-of-home placement
23 for six months or longer to identify individuals other than the
24 child's siblings who are important to the child, and may ask any
25 other child to provide that information, or may seek that
26 information from the child and family team, as appropriate. The
27 social worker or probation officer shall make efforts to identify
28 other individuals who are important to the child, consistent with
29 the child's best interests.

30 (k) The child's caregiver shall be provided a copy of a plan
31 outlining the child's needs and services. The nonminor dependent's
32 caregiver shall be provided with a copy of the nonminor's TILP.

33 (l) Each county shall ensure that the total number of visits made
34 by caseworkers on a monthly basis to children in foster care during
35 a federal fiscal year is not less than 95 percent of the total number
36 of those visits that would occur if each child were visited once
37 every month while in care and that the majority of the visits occur
38 in the residence of the child. The county child welfare and
39 probation departments shall comply with data reporting
40 requirements that the department deems necessary to comply with

1 the federal Child and Family Services Improvement Act of 2006
2 (Public Law 109-288) and the federal Child and Family Services
3 Improvement and Innovation Act (Public Law 112-34).

4 (m) The implementation and operation of the amendments to
5 subdivision (i) enacted at the 2005–06 Regular Session shall be
6 subject to appropriation through the budget process and by phase,
7 as provided in Section 366.35.

8 SEC. 3. To the extent that this act has an overall effect of
9 increasing the costs already borne by a local agency for programs
10 or levels of service mandated by the 2011 Realignment Legislation
11 within the meaning of Section 36 of Article XIII of the California
12 Constitution, it shall apply to local agencies only to the extent that
13 the state provides annual funding for the cost increase. Any new
14 program or higher level of service provided by a local agency
15 pursuant to this act above the level for which funding has been
16 provided shall not require a subvention of funds by the state nor
17 otherwise be subject to Section 6 of Article XIII B of the California
18 Constitution.